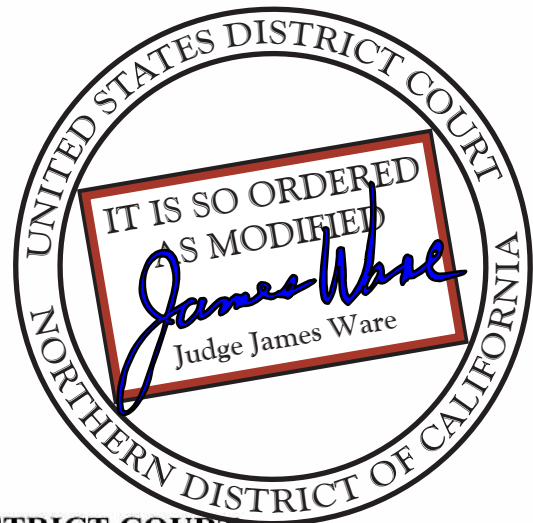


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Attorneys for Plaintiff
CHONG'S PRODUCE, INC.



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHONG'S PRODUCE, INC.

Plaintiff,

v.

PREMIUM FRESH FARMS, LLC, a California limited liability company; EMMITT PFOST, an individual; SALVADOR P. TARANTINO, an individual; PAUL E. DUNHAM, an individual; PDP ASSOCIATES, LLC, a California limited liability company; and AG HARVESTING & TECHNOLOGIES, LLC, a California limited liability company;

Defendants.

Case No. C-09-01013 JW

**STIPULATION TO VACATE
JUDGMENT**

**ORDER SETTING DEADLINE FOR
SUBMISSION OF PROPOSED
JUDGMENTS AGAINST DEFENDANTS
FROST AND PDP; SETTING CASE
MANAGEMENT CONFERENCE FOR
REMAINING PARTIES**

On March 30, 2009, a motion for preliminary injunction and motion to consolidate trial was heard by Judge James Ware in Department 8 of the United States District Court. The court indicated that it would enter a preliminary injunction and judgment against Premium Fresh Farms, LLC and PDP Associates, LLC, although an Order has not yet been received.

After the hearing, Plaintiff's counsel learned that an attorney representing Premium Fresh Farms, LLC and AG Harvesting & Technologies, LLC, Clyde Pearce, had attempted to contact Plaintiff's counsel on March 27, 2009. Plaintiff's counsel returned Clyde Pearce's phone call on

March 30, 2009. At that time, she and Mr. Pearce agreed that in light of his new representation it would be fair to provide Premium Fresh Farms, LLC an opportunity to respond. Accordingly, counsel for Plaintiff and counsel for Premium Fresh Farms, LLC and AG Harvesting & Technologies, LLC agreed that the two defendants would have 15 days from March 30, 2009 to answer the Complaint. Also, Plaintiff's counsel agreed that she would ask the court to vacate the Judgment pending as to Premium Fresh Farms, LLC only. Plaintiff will seek to have its motion for preliminary injunction and motion to consolidate as to Premium Fresh Farms, LLC and AG Harvesting & Technologies, LLC heard by the Court as soon as possible. The pending Preliminary Injunctions and Judgments against Defendant Frost and Defendant PDP Associates, Inc. will remain unchanged.

IT IS SO STIPULATED.


PRATT & ASSOCIATES

Dated: March 31, 2009

By 
Susan E. Bishop, Attorneys for Plaintiff Chong's Produce, Inc.

Dated: April, 2009

LAW OFFICE OF CLYDE C. PEARCE


By 
Clyde C. Pearce, Attorneys for Defendants Premium Fresh Farms, LLC and AG Harvesting & Technologies LLC

***** ORDER *****

The Court finds good cause to accept the parties' Stipulation. However, since Judgments against Defendants Frost and PDP have not been entered formally, Plaintiffs shall file proposed form of Judgments for these Defendants on or before **April 10, 2009**.

The remaining parties shall appear for a Case Management Conference on **April 27, 2009 at 10 a.m.** On or before **April 17, 2009**, the parties shall file a Joint Case Management Statement. The Statement shall include, among other things, a good faith discovery plan with a proposed date for the close of all discovery and an update on any settlement efforts.

Dated: April 7, 2009


JAMES WARE
United States District Judge

Pratt & Associates

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